

**THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

W.P.NO. 21736 OF 2006

Date: 30.10.2006

Between:

Secretary to Govt. Municipal Admn & Urban Dev. Dept.
Hyderabad and three others.

.... Petitioners.

And

Sri K. Sadanandam.

.... Respondent.

**THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

W.P.NO. 21736 OF 2006

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

The present writ petition is filed aggrieved by the order of the Tribunal, in O.A. No. 2620 of 2005 dated 14.07.2006, wherein the impugned order of suspension dated 07.06.2005 was set aside.

The Tribunal, in its order dated 14.07.2006, referred to the proceedings of the Commissioner dated 04.06.2005 which in turn refers to the fact that the government had requested the Commissioner & Director of Municipal Administration, Hyderabad to place the respondent-applicant under suspension with immediate effect. The Tribunal held that the impugned order of suspension was passed by the 3rd petitioner herein on the dictates of higher authorities, without applying his mind and using his discretion judiciously keeping in view the facts and circumstances of the case. The Tribunal referred to its earlier orders, in O.A. No. 2666 of 2005 dated 07.06.2005, wherein a similar order of suspension was set aside and held that the subject matter in the present case was also identical. As a similar view had already been taken and keeping in mind its earlier order in O.A. No. 2666 of 2005 dated 07.06.2005, the Tribunal held that the impugned order of suspension dated 07.06.2005 could not be sustained in the eye of law and deserved to be set aside. The order of

suspension was accordingly set aside with a direction to the petitioners herein to reinstate the respondent-applicant into service.

Learned Government Pleader for Services would bring to our notice, Rule 15 of the A.P.C.S. (C.C&A) Rules, 1991 whereunder, notwithstanding anything in the Rules the appointing authority, or any authority to which it is subordinate including the government, may also place, any member of a service to whom these rules apply, under suspension under Rule 8. In view of Rule 15, it is open to the government either to pass the order of suspension itself or to direct the competent authority to pass an order placing the delinquent employee under suspension.

Sri S. Jagadish, learned Counsel for the respondent-applicant, would place reliance on the Division bench judgment of this Court in **A. Nageswari Vs. A.P. State Housing Corporation Ltd., Hyderabad**^[1] to contend that it was not open to the government to direct the competent authority to place the delinquent employee under suspension. It is necessary to note that no Rule, similar to Rule 15 of the A.P.C.S. (C.C&A) Rules, 1991 was brought to the notice of the Division bench in **A. Nageswari**¹. As such the said judgment has no application to the facts of the present case. The order of the Tribunal is therefore set aside.

Sri S. Jagadish, learned Counsel for the respondent-applicant would submit that, in any event, the Commissioner & Director of Municipal Administration, A.P., Hyderabad had, vide letter dated 09.09.2005, requested the 1st petitioner herein to permit the competent authority to reinstate the respondent-

applicant into service. It is made clear that this order shall not preclude the 1st petitioner herein from passing such orders, as it considers appropriate, in accordance with law.

The writ petition is allowed. However, in the circumstances, without costs.

B.PRAKASH RAO, J

Date: 30.10.2006

RAMESH RANGANATHAN, J

MRKR

[\[1\]](#) 2005(4) ALD 206 (DB)